

**William Lechel<bill@scmac.org>**

09/15/2003 01:48 PM

To: Group Ow-Docket@EPA

cc:

Subject: Attention: ID No.OW-2003-0063 Interim Statement Guidance Document

Please find attached a copy of the Saginaw County Mosquito Abatement Commission letter concerning NPDES permitting process; and definitions pertaining to same; and subsequent EPA Interim Statement Guidance Document. Thank you for this opportunity to include our comments. I will mail a hard copy w/signature at this time as well. Bill Lechel, Director SCMAC.

September 15, 2003

Water Docket  
Environmental Protection Agency,  
Mail Code 410T, 1200 Pennsylvania Avenue  
Washington, D.C. 20460

Attention Docket ID OW-2003-0063

The Saginaw County Mosquito Abatement Commission's (SCMAC) Board of Trustees has reviewed the "Interim Statement and Guidelines on Application of Pesticides to Waters of the United States in compliance with FIFRA" from G Tracy Mehan, III, Assistant Administrator for Water, and Stephen L. Johnson, Assistant Administrator for Prevention, Pesticides and Toxic Substances.

The SCMAC's Board fully supports this Statement and Guidance document and also encourages USEPA to issue a rule by use of notice-and comment procedures, as allowed for in Section 501 (a) of the CWA, 33 USC1361(a). We would also agree wholeheartedly with the American Mosquito Control Association in their statement regarding the definition of the term "discharge of a pollutant" needing to be amended. The term "discharge of a pollutant" should not include the application or use of a pesticide product that is registered or otherwise approved under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for the purpose of control in the atmosphere of adult mosquitoes or other vectors and is used in compliance with all provisions of its approved label and labeling that are relevant to protection of waters of the United States.

Here in Saginaw County Michigan, a local governmental department (SCMAC) serves as the mosquito control agency for the entire 848 square mile area which constitutes Saginaw County. It has conducted a fully integrated mosquito management program for the past 27 years. This program includes, first and foremost, mosquito borne disease monitoring and testing, as well as, a full-time staffed Source Reduction department (permanent removal of mosquito breeding habitats) and a full-time staffed Public Education department that, yearly, reaches over 8,000 students and a majority of the 220,000 adult citizens of the county. We have also, over these 27 years, when needed, always utilized EPA and FIFRA approved larvicide and adulticide products according to label directions, with no detrimental effects to the environment, or, to the health of the citizens of this county. The citizens of Saginaw County recognized this. During the past 27 years, they have gone to voting booths in no fewer than five different elections, and supported this professional run agency. In the last election, 1994, the mosquito control millage passed with a plurality of over 86% yes votes, for a twenty year millage, to continue to provide professional, integrated mosquito management through 2014.

The Saginaw County Mosquito Abatement Commission and its Board of Trustees urges EPA to conclude through rulemaking that the application of any EPA and FIFRA approved

labeled larvicides “to waters of the United States” does not constitute a “discharge of a pollutant”. We only apply these products to mosquito breeding water sites, not rivers and lakes, as mosquitoes don’t breed in large bodies of water, due to wave action, and they don’t breed in moving water, such as a river. These larvicide products are specifically formulated to be applied to mosquito breeding waters. In order to produce active ingredient dilutions that are “target specific” affecting, specifically, mosquito larva.

We also urge EPA to conclude through rulemaking that use of EPA and FIFRA approved, labeled adulticides, should not be regarded as “discharge of a pollutant” into “waters of the United States” as it is not discharged into water, but rather, is applied in a manner calculated for it to remain in the atmosphere (the air where mosquitoes are flying) with only a minuscule amount, if any at all, and only incidentally, not deliberately reaching waters of the United States. These adulticides, with application rates of less than an ounce per acre are designed to be non-residual, with rapid degradation in the environment.

The Saginaw County Mosquito Abatement Commission strictly adheres to all FIFRA and EPA labeled requirements on these products. The Commission and its staff also comply with the Michigan Department of Agriculture (in Michigan this department serves as the enforcement arm for EPA) in all requirements regarding certified applicators, registered technicians and their required training, before any applications are made by our employees. It should be noted that the financial costs associated with strict adherence to all the required regulations, has, during the past 27 years accumulated into thousands and thousands of dollars. The Commission has always approved and allocated whatever financial dollars were necessary to conduct our control efforts in a proper and approved manner. Allow me to give you a quick example of these costs; seasonal employees- this Agency has a minimum of \$437.00 invested in each “seasonal vector technician” before they ever make a pesticide application. This figure times the 1,820 vector technicians utilized over the past 27 years of our operation equals nearly \$1,000,000.00 alone. There are other significant costs associated with compliance of all our regulations in the mosquito control profession; however I am not going to detail all of them. I only make the point that these costs have never deterred SCMAC from carrying out, in a professional manner and in full compliance with all regulations, our objective of protecting the health and welfare of our citizens from mosquito borne disease and protecting their quality of life.

From a mosquito control aspect, any permit process, the timeline of that process, becomes a major logistical and operational problem. The weather conditions and the related random breeding for summer mosquitoes (flood water mosquitoes) plays absolute havoc “scheduling” or “permitting” larval treatments in a timely manner. The mosquito life cycle, with complete metamorphosis, egg to larva to pupa to an adult flying mosquito, can occur in as short a time period as 5 days, depending on species and weather parameters. This fact alone, for most of the “summer species of mosquitoes”, would make the process of obtaining a “permit” prior to treatment, practically impossible to manage and still successfully control mosquitoes. There are exceptions; in Saginaw County we have a federal wildlife refuge. The 9,000 acre Shiawassee National Wildlife Refuge. We do obtain a federal permit from the USFWS each year for the larval treatment of approximately 1,000 acres on the refuge, for the control of the spring mosquito species. However, these species have a life cycle wherein the mosquitoes are in larval

stage for nearly 6 weeks, making the timetable of the permit process feasible. As one could readily see, the summer mosquito species, with the previously mentioned five day life cycle, in conjunction with a “permit timetable”, would render any larval control efforts useless, forcing this Agency to utilize only an “adulticiding” control method, which, in an integrated mosquito management program is a workable method, but one you would not solely choose. (You always choose to control mosquitoes in the larval stage if at all possible between these two methods).

Without the support and guidance of the Environmental Protection Agency, as shown by your previous and continued leadership, we would not be able to do our job in an effective, environmentally sensitive way.

Thank you for this opportunity to comment on the “Interim Statement and Guidance Document” put forth by EPA. And we look forward to EPA performing a rulemaking to further clarify its position regarding this crucial public health issue, for our residents, as well as all citizens of this great country.

Respectfully submitted  
On behalf of the SCMAC Board of Trustees,

William J. Lechel II, Director

C: Todd Hare, Chairman Saginaw County Board of Commissioners  
Rene DeSander, Chairman SCMAC  
Senators Carl Levin & Debbie Stabenow  
Representatives Dave Camp, Dale Kildee  
State Senator Michael Goschka  
State Representatives Jim Howell, Carl Williams, & John Molenaar  
Dan Wyant, Director Michigan Dept of Agriculture